THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18118 OF 2005

Dated: 15-11-2005

Between:

J.Papa Rao …Petitioner

A N D

1. Sri G. Ramakrishna and Others …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18118 OF 2005

O R D E R :

1. This writ petition has been filed by J.Papa Rao in person with a prayer to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of respondents No. 2 to 5 in disposing of his representation as illegal.

2. The petitioner is father of Ms.J.Haritha, who is a student pursuing M.B.B.S. Course in 1st respondent college. He has paid an amount of Rs.23,00,000/- for the entire course to secure admission of his daughter in 1st respondent college under management quota. His grievance is that the amount paid by him has not been deposited in the Nationalized Bank, as per the directions of the Supreme Court in ***Islamic Academy of Education Vs. State of Karnataka.***

3. Respondents filed counter affidavit.

4. Heard party in person and learned counsel appearing for the 1st respondent and learned standing counsel appearing for Respondent No.4-Medical Council of India.

5. Petitioner submits that he has paid R. 23,00,000/- to secure a seat for his daughter-Ms. J.Haritha under management quota in the 1st respondent college. His grievance is that the amount paid by him has not been deposited in any nationalized bank as directed by the honourable Supreme Court in the above referred judgment.

6. Learned counsel appearing for the 1st respondent made various submissions, which are not required to be dealt with in view of the order proposed to be passed hereunder.

7. It is no more in dispute that the petitioner made a complaint to the NTR University of Health Sciences, Vijayawada. Thereupon, a One Man Enquiry Committee came to be appointed. The learned committee considered the complaint allegations made against the 1st respondent college and submitted report. A copy of the report has been placed on record. The conclusions arrived at by the One Man Enquiry Committee read as follows:

> "*As per the statements made by Mr. J.Papa Rao, he had paid a total amount of Rs. 23 lakhs which was made in installment. According to hi contention the initial payment of 1,06,500 was also a part of the agreed Rs.23 lakhs fee, between the management and himself. But the said amount was meant for.*
>
> 1. *The University registration Rs 36,800/-*
> 2. *Hostel fee Rs 45,000/-*
> 3. *Other fee Rs.24,700/-*
>
> *Hence, the amount of Rs 1,06,500/- paid by Mr. J.Papa Rao*

initially cannot be counted for the agreed fee of Rs.23 lakh for the admission of his daughter in GSL Medical College during the year 2003-2004.

This is substantiated by the fact that Mr. J.Paparao had paid the hotel fee and stipend fee of Rs.48,400/- for the year 2004-05, which is on par with the same amount paid by him for the same purpose for the year 2003-2004.

I am also to conclude that there was no harassment of Miss. J.Haritha either from the management or the staff of the college for any alleged reason put forth by Mr. J. Papa Rao in his petition.

It I also observed that the management of GSL Medical College is not following the guideline suggested by the Hon'ble Supreme Court regarding the collection and deposition of the tuition fee in the banks.

It is also observed that the management is not following the guidelines given in GOMS 488 for the year 2003-2004 regarding the collection of hostel fee and mess charges. .

8. It is explicit from the record that the 5th respondent appointed One Man Enquiry Committee and the Enquiry Officer had submitted his report to the 5th respondent. It is the 5th respondent who has to initiate necessary action basing on the said Enquiry Report.

9. In that view of the matter, I deem it appropriate to dispose of the writ petition, directing the 5th respondent-University to consider the One Man Enquiry Report and initiate necessary action, in accordance with law, against the 1st respondent college within four weeks from the date of receipt of a copy of this order. No order as to costs.

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Justice B.Seshasayana Reddy

15th November, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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